REMARKS/ARGUMENT

Claims 2 – 22 are pending in this application. Claims 2 - 19 are allowed. Claims 20 - 22 stand rejected. By this amendment, claim 1 is cancelled without prejudice. In light of the amendments and remarks set forth below, Applicant respectfully asserts that all the pending claims are in condition for allowance.

Claims 20 – 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. 6,606,593 ("Jarvinen"). Applicant respectfully requests reconsideration and withdrawal of its rejection.

To anticipate a under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of claims 20 – 21 not present in Jarvinen is changing the excitation signal amplitude using both the calculated norm and the smooth norm. Likewise, in claim 22, the amplitude is changed based on the calculated norm and the smooth norm.

According to Applicant's claims, the excitation signal is smoothed using both the average norm and the norm before averaging. The norm is calculated from the excitation which is the object of the smoothing. Thus, according to the pending claim, the manner in which the smoothing operation of the excitation signal is performed is different. Further, as previously asserted by Applicant, the manner in which Applicant perform its smoothing is operable, even if

the signal has a large amplitude fluctuation. Applicant respectfully asserts that Jarvinen fails to smooth based on both the calculated norm and the smooth norm, and is allowable over Jarvinen.

In contrast, the excitation in Jarvinen is smoothed using an <u>only</u> averaged gain. In particular, referring to Figure 2b, excitation signal 212 is formed by first generating the white noise excitation sequence 114 with random excitation generator 110. The excitation signal which is then scaled by g_{mean} in scaling block 115. Thus, Jarvinen <u>only</u> relies on g_{mean} for smoothing the excitation signal.

Therefore, it is asserted that the rejection of claims 20-22 under 35 U.S.C. § 102 has been overcome. Reconsideration of the rejection of claims 20-22 under 35 U.S.C. § 102 is respectfully requested in light of the remarks above.

Applicant has responded to all of the rejections recited in the Office reconsideration and a Notice of Allowance for all of the pending claim is therefore respectfully requested.

The amendments to the claim are for clarification purposes only and are not intended to limit the scope of the claim in any way. It is asserted that the present amendment places the application in a form for allowance. Entry of this amendment is therefore earnestly solicited.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: September 20, 2005   Respectfully submitted,
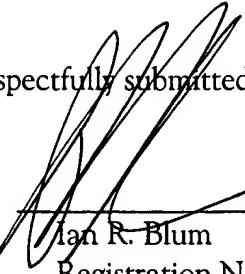
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